

Equality Act 2010:

Review of the GLA's functions in relation to compliance with the new general duty to promote equality

Provision of staff

1. Purpose of this paper

The purpose of this paper is to demonstrate compliance of the GLA's HR function with the new general equality duty¹ and reviews where the GLA's HR function can further the aims of the general duty.

The GLA is required to have due regard to the need to:

1. Eliminate unlawful discrimination
2. Advance equality of opportunity
3. Promote good relations

In relation to the following protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation and marriage and civil partnership.

This paper:

1. Reviews the relevance of each of the three parts of the duty to its provision of staff, and the relevance to each of the protected groups;
2. Identifies what the GLA is already doing to promote equality in the relevant areas and
3. Identifies any further actions that could be taken to further the general equality duty.

2. Unlawful discrimination

The first aim of the general equality duty is to eliminate unlawful discrimination, harassment and victimisation and any other conduct which is unlawful under the Equality Act 2010

The GLA produces substantial equalities data on its workforce through regular workforce reports². Each year the HR & OD unit prepares a workforce report (with an update report every six months) which provides statistical information on all GLA employees. The report enables the GLA monitor critical equalities information. Categories that are monitored includes the turnover of staff by directorate, the trends in turnover and exit interviews completed by ethnicity. There is also statistical and monitoring information on the number of employees by ethnic origin, gender, disability, faith, sexual orientation. The information from the workforce survey is analysed and interpreted to inform new or revise existing HR policies and processes and ensure mitigating action is taken where necessary.

These reports are sent to the London Assembly for open and transparent discussion on workforce composition, turnover, grading, etc. This information is public and provides equalities data on staff at the GLA.

Dignity at Work policy

The GLA takes allegations of discrimination and/ or harassment seriously and there are robust, policies and processes in place to manage this. The HR function would advise and support

¹ The new general duty to promote equality arising from the Equality Act 2010 came into effect on 5th April 2011

² <http://www.london.gov.uk/moderngov/mgConvert2PDF.aspx?ID=4217>

managers on the processes and procedures to follow if an allegation was made. The Dignity at Work policy which notes that no employee will be discriminated or victimised. The Code of Ethics sets out the formal process to challenge discriminatory behaviour or where there are incidences of harassment

When a restructure taken place the GLA follows the Management of Change of Policy to ensure the process is open, fair and transparent and no groups are unwittingly discriminated against. This specifically sets out:

- The principles of undertaking change, including fairness and freedom from discrimination.
- The distinction between major and minor restructures
- The statutory consultation requirements
- Appointments process
- Women on maternity leave
- Disabled employees

3. Advancing equality of opportunity

The second part of the general equality duty requires the GLA to pay due regard to the need to advance equality of opportunity. This is defined in the Equality Act 2010 as:

a) Removing or minimising disadvantages suffered by people who share a protected characteristic that are connected to that characteristic

Recruitment

The HR & OD unit actively aims to recruit a workforce at all levels that reflects the rich diversity of London's population. Equal opportunity is an integral to the recruitment process. Steps are taken to ensure that processes used for the recruitment and selection are fair, transparent, objective and efficient.

To ensure that recruitment and selection practices are fair, the HR & OD unit has piloted a process for anonymising candidate information to see if there was an impact on recruitment decisions. The recruitment team has also undertaken spot checks of shortlists and interview documentation to check decision making is robust and transparent.

Provision for disabled staff

Candidates who declare a disability on their application form are eligible for the Guaranteed Interview Scheme if they demonstrate 'acceptable performance' against the requirements outlined in the person specification.

Reasonable adjustments are made to the selection process and/or workplace to enable disabled individuals to participate in the recruitment and selection process on an equal basis and obtain and remain in work.

Disabled candidates that are shortlisted and invited to interview are asked if they have any access requirements. These are met at the selection stage and reasonable adjustments will be made, such as allowing more time for an interview or written exercise.

Managing sickness absence

Where there is concern about the sickness record of a disabled employee or where the sickness absence gives rise to a disability, managers are advised to consider reasonable adjustments. Reasonable adjustments could include re-allocation of duties, changes to working hours/patterns

of work, physical adjustments or the provision of special equipment. It could also mean allowing the employee time off during working hours to attend hospital appointments.

Reasonable adjustments will also be made for postholders, and where appropriate, this will be done in consultation with Occupational Health so expert advice can be sought. The role of the Occupational Health is to provide impartial advice to management and consider a range of reasonable adjustments that can be implemented for disabled staff. For example staff with dyslexia are provided with support through the occupational health unit. Initially there is a thorough and comprehensive assessment which is followed by a detailed and pragmatic report that lists recommendations for the GLA and employee to implement.

Consultation has taken place with disabled staff to understand how they could be better supported in the GLA. As a response to this, HR & OD unit prepared guidance entitled: 'Managing Disabled Staff, Managers' Guidance'. The guidance provides the following information:

- the definition of disability
- the GLA's legal duty to make reasonable adjustments.
- Reasonable adjustments that can be implemented through several HR processes including: recruitment, induction and probation, learning and development, managing performance, time off for medical appointments or treatment, managing sickness absence, redeployment, etc.

Following further consultation with Unison it was agreed to introduce a reasonable adjustment agreement. The rationale for the agreement is to have a formal record of the reasonable adjustments that are agreed between the employee and the line manager, which can be reviewed at regular interviews and taken with the employee if they move to another role in the organisation.

Performance Management

The performance management process is designed to help managers and staff to manage and review individual performance and development in line with corporate objectives. The procedure is detailed, transparent and pragmatic. The principles and steps of the process provide an opportunity for open, objective and fair discussions between managers and staff.

To ensure fairness, all performance review forms are counter signed by a senior manager who checks for consistency.

b) Taking steps to meet the needs of people who share a protected characteristic that are different from the needs of people who don't have that characteristic

The GLA has a number of policies to ensure that the diverse needs of staff are met and managers have appropriate guidance. Policies are monitored to ensure they are effectively implemented, regularly reviewed and updated. The relevant policies are outlined below with the dates when they were last reviewed.

When a policy is reviewed and changed, the recognised union are consulted on this and feedback from them is incorporated into the policies, where agreed. The HR team now carry out EQIAs of all HR policies when they are reviewed and updated. Where appropriate, wider consultation takes place, e.g. when the Trans policy has been reviewed there were wider discussions with key trans stakeholders

Role of HR staff

The HR & OD works with Units and line managers to deliver progress on the workforce equality and diversity plans, in line with the Equal Life Chances for All Framework with the expressed aim of ensuring a representative workforce at all levels in the organisation.

The HR & OD unit works in partnership with managers in the GLA to provide professional and customer focused HR advice, coaching and solutions that support the GLA in the management of workforce issues and major change programmes.

Equalities is given due consideration in all aspects of human resources related work, ensuring that best practice is maintained through leading by example within the GLA. The aim is one of creating a working environment that offers true equality of opportunity.

Below is a table that shows all the HR policies/procedures, when they were last reviewed and workshops/briefings provided to managers:

HR Policy/Procedure	Last time policy was reviewed	Workshop or briefing in place
Adoption Policy	October 2011	Managers are briefed on individual cases
Code of Ethics & Standards	March 2011	Managers are briefed on individual cases.
Dignity at Work	February 2009	Workshop in place
Disabled staff – managers guidance	October 2010	Workshop in place – part of Managing attendance
Disciplinary procedure	January 2011	Workshop in place
Domestic violence policy	October 2008	Managers are briefed on individual cases
Flexible working arrangements	July 2011	Managers are briefed on individual cases
Grievance procedure	February 2011	Workshop in place
Managing change procedure	April 2008	Managers are briefed and supported
Maternity policy	November 2008	Managers are briefed on individual cases.
Mediation policy & Mediation FAQs	August 2007	Managers and staff are briefed on individual cases.
Paternity policy	October 2011	Managers are briefed on individual cases.
Recruitment guidance for managers	February 2009	Workshop in place.
Recruitment & Selection policy	February 2009	Workshop in place.
Sickness absence policy	April 2010	Workshop in place
Trans policy	June 2010	Managers are briefed on individual cases.

Joint Consultative Committee (JCC)

The JCC is made up of representatives from both Unison and management side and meets every 6 weeks. The purpose of the JCC is to consult and negotiate on collective bargaining topics including terms and conditions and other employment policies. The JCC is also a forum joint discussion on a wide range of issues and is an opportunity to share information between the two parties. Agenda items have included discussion of the workforce report, the staff survey and other HR policies/procedures.

Several management workshops are run with the expressed purpose to equip and empower managers with the appropriate knowledge and skills to support staff through specific processes. Courses include managing Disciplinary, managing grievances, managing attendance, and managing Probation. Each of these workshops highlight the roles of line managers and employees.

There is also a recruitment and selection workshop that provides an overview of the legal framework and the implications for recruiters. The workshop takes recruiters through the GLA recruitment process and highlights the responsibilities of managers.

Management of Change procedure

When the management of change processes are undertaken, HR & OD works closely with senior managers to provide a fair, transparent and systematic approach to leading and implementing changes to organisational structures and staffing arrangements. For each organisational change process that takes place an EqlA is carried out at the requisite stages of the process.

Competency Framework

The GLA's competency framework outlines the behaviours that are essential to effective performance in our organisation. The competency framework provides a detailed, prescriptive and transparent guidance for managers and staff. All managers and staff received training and briefings on the key principles and stages of the framework.

The behavioural competencies clearly set out for managers and staff the behaviours that are required in each area of the organisation. The framework also enhances and underpins several HR processes including job role profiling, recruitment and selection, performance management reviews, and learning and career development. The principles of fairness, transparency, objectivity, openness and consistency are embedded throughout the framework.

The following policies seek to meet the needs of groups who share a "protected characteristic"

Maternity policy/procedure

The GLA has a maternity policy which outlines:

- the rights of women who takes a period of maternity leave
- the pay, period of time there maternity leave and the holidays they will accrue.
- During any restructure where a woman on maternity leave is affected, she will be consulted throughout.

Following an internal piece of research undertaken by the GLA's Women's Network, the return to work guidance was revised. The revised guidance for managers and staff includes a checklist of actions for managers as well as a new 'return to work' meeting with HR for all maternity returners. The key revisions to both the GLA's Guides on Maternity for Managers and staff were publicised in London@Work. Unison were advised of the changes. Further clarification of the wording in the Parental Leave section in the Terms & Conditions was also undertaken, along with an update and revision of all the template letters on maternity provisions.

Paternity policy

- Ordinary paternity leave
- Additional Paternity Leave and Pay

The GLA Adoption Policy sets out:

- The eligibility for adoption leave and adoption pay
- Time off for pre-adoption assessment
- Time off for Adoption Leave
- Notification requirements (adoption within the UK and overseas adoption)
- Contact during adoption leave
- Annual leave

- Resigning before adoption leave
- Resigning following adoption leave

Disabled staff

The GLA's has guidance for managers managing disabled staff, and this includes:

- The duty to make reasonable adjustments;
- The role of occupational health
- Ensuring disabled staff can access learning and development opportunities
- Performance management
- Time off for medical appointments
- Managing sickness absence
- Managing long-term absence as a result of the impairment a disabled member of staff may have

The GLA has a HIV policy which sets out:

- Provides a definition of HIV/AIDS
- Highlights that people with HIV will be treated fairly in all aspects of employment.
- Emphasises that confidentiality will be respected and honoured.

Trans staff

The GLA has a Trans policy which sets out:

- The support for trans staff in the work place
- Support the line manager provides to trans staff
- The leave that a person is required should they be undertaking any medical treatments
- Confidentiality, disclosure, changing records
- Signposting to expert organisations

Flexible working arrangements

The GLA recognises that there will be time when some employees will need to work flexibly. They may have caring responsibilities and other commitments. The arrangements put in place should be implemented in a fair, consistent and transparent way. The GLA provides a range of flexible arrangements which allow employees to balance work and home commitments as long as such work arrangements meet the needs of the GLA.

These flexible working arrangements include:

- Flexi-time scheme
- Job share
- Part time working
- Voluntary reduced work
- Compressed working week
- Remote working

Domestic Violence policy

The GLA recognises that the domestic violence is likely to have an impact negatively on staff performance and staff morale. The impact can manifest itself through staff punctuality, attendance, work performance or productivity and sometimes turnover, as a valued member of staff may feel the need to resign and relocate for safety reason.

Staff who have reported domestic violence in confidence receive equitable and fair treatment. Our aim is to create a working environment that allows individuals to feel safe when seeking the necessary help and advice. This policy is currently being reviewed and updated.

c) Encouraging people who share a protected characteristic to participate in public life or in any other activity in which their participation is disproportionately low

There are several of initiatives that the GLA are taking forward to achieve the aim of achieving a workforce across the GLA group that reflects London's diversity in all occupations and at all levels. These include:

- Ongoing work on the apprenticeship and pre apprenticeship programmes . The pre-apprenticeship is designed to provide 12 weeks work experience opportunity to NEETs across London. Those that have been successful in attaining a place on the scheme are aged between 16 and 19, and represent London's diversity. The pre-apprentices are given the opportunity to undertake a range of administrative duties in different managerial units and receive interview/career coaching to assist them apply for roles and decide on the most appropriate course to apply for.
- The potential development programmes for particular groups not represented at senior levels (i.e. Springboard for women)
- Improving and developing the mentoring programme to support increased diversity at senior levels in the organisation. The programme is well utilised by BAME groups and women and this is a good development tool for those groups not proportionately represented in the senior roles.
- Reviewing staff survey outcomes to try to improve any perceptions of the workplace from a particular equality group

4. Fostering good relations

The third part of the general duty requires the GLA to pay due regard to the need to foster good relations between people who share a protected characteristic and those who do not share that characteristic. This is defined in the Equality Act 2010 as meaning, in particular, tackling prejudice and promoting understanding.

This aspect of the duty is particularly relevant to good relations between different ethnic and faith groups and good relations between different age groups.

GLA support networks

There are several support groups/networks in place in the GLA with the expressed purpose of enabling and empowering staff.

GLA Women's Network

The GLA Women's Learning Partnership Network was set up in 2008, and is a network for women. Initially set up for those who have attended the GLA's women's development programme , now it has been extended to others in the GLA and the GLA Group. It is supported and funded by the HR team and aims to:

- Build on the experience of the Women's Learning Partnership programme by providing training opportunities and networking and inspire the continuation of personal learning.
- Celebrate the achievements of women in the GLA and look towards how the GLA as an organisation can continue to promote and support the women in its workforce, afford career development opportunities and increase the representation of women in more senior roles.
- Provide a forum to share learning and common experiences, building support amongst women in the GLA family.

The Network holds quarterly events at City Hall. The format of these events vary according to the wants of the network, but tend to include training opportunities, inspirational speakers and opportunities to share learning and experience.

Where required the HR team works with staff networks to support and inform their work and attends sessions to listen to feedback from these groups.

6. Is there anything additional the GLA could realistically do to further the aims of the general duty?

There are a number of actions that the GLA is considering in order to deliver the aim of achieving a workforce across the GLA group which reflects London's diversity in all occupations and at all levels. These include:

- Assessing whether introducing placements as an opportunity for work experience in a political environment would assist in the increasing the diversity of the organisations
- Ongoing monitoring and analysis of the workforce data that we record to identify where we need to take mitigating action
- Completing and analysing Equality Impact Assessments (EQIA's) for restructures and workforce changes to ensure we mitigate any disproportionate and negative impacts on any group